

# COPY FOR JUDGE

Paper 12

Filed on behalf of: Senior Party Case Western Reserve University  
By: Richard S. Wesorick  
Richard A. Sutkus  
Thomas L. Tarolli  
Tarolli, Sundheim, Covell & Tummino LLP  
526 Superior Avenue, Suite 1111  
Cleveland, OH 44114-1400  
Tel: (216) 621-2234  
Fax: (216) 621-4072

## UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge Torczon)

**OSIRIS THERAPEUTICS, INC.**  
(US 6,030,836),  
Junior Party,

v.

**CASE WESTERN RESERVE UNIVERSITY**  
(09/321,655)  
Senior Party.


Patent Interference No. 105,197

### SUBMISSION OF POWER OF ATTORNEY

Sir:

Please find attached a duly executed Power of Attorney and a Statement Under 37 C.F.R. § 3.73(b) in connection with the above-identified interference.

Respectfully submitted,

  
Richard S. Wesorick  
Reg. No. 40,871

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST**

As assignee of record of the entire interest of U.S. Patent Application Serial No. 09/321,655, filed May 28, 1999, entitled HEMATOPOIETIC PROGENITOR CELL GENE TRANSDUCTION, the following attorneys are hereby appointed to prosecute and transact all business in the U.S. Patent and Trademark Office in connection with the above-mentioned application, including Interference No. 105,197:

**Richard S. Wesorick, Reg. No. 40,871;  
Richard A. Sutkus, Reg. No. 43,941; and  
Thomas L. Tarolli, Reg. No. 20,177**

of the Law Firm

**TAROLLI, SUNDHEIM, COVELL & TUMMINO LLP  
526 Superior Avenue, Suite 1111  
Cleveland, OH 44114-1400**

**DIRECT CORRESPONDENCE  
AND TELEPHONE CALLS TO:**

**Richard S. Wesorick  
Tarolli, Sundheim, Covell & Tummino LLP  
526 Superior Avenue, Suite 1111  
Cleveland, OH 44114-1400  
Tel: (216) 621-2234  
Fax: (216) 621-4072**

**ASSIGNEE STATEMENT**

Attached to this power is a "STATEMENT UNDER 37 C.F.R. § 3.73(b)."

Date: 1-20-04

  
\_\_\_\_\_  
Signature

**Catherine A. Porto  
Associate Vice President  
Technology Transfer Office  
Case Western Reserve University**

**STATEMENT UNDER 37 C.F.R. § 3.73(b)-  
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**

1. The assignee of the entire right, title and interest hereby seek(s) to take action in the prosecution of U.S. Patent Application Serial No. 09/321,655, including Interference No. 109,197.

**IDENTIFICATION OF ASSIGNEE**

2. Case Western Reserve University                      University  
Name of Assignee    Type of Assignee

**PERSON AUTHORIZED TO SIGN**


3. Catherine A. Porto                                      Associate Vice President, Technology Transfer  
Name of person authorized to sign on                      Office, Case Western Reserve University  
behalf of assignee    Title of person authorized to sign

I, the person signing below, state that I am empowered to sign this statement on behalf of the assignee.

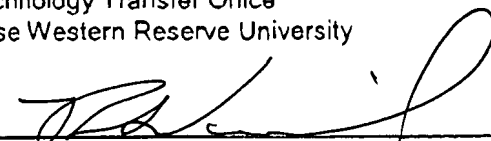
**BASIS OF ASSIGNEE'S INTEREST**

Ownership by the assignee is established as follows:

- A. An assignment from the inventor(s) of the matter identified above, which was recorded in the PTO at Reel, 010274, Frame 0886.

  
\_\_\_\_\_  
(Signature of authorized person)

Catherine A. Porto  
Associate Vice President  
Technology Transfer Office  
Case Western Reserve University

  
\_\_\_\_\_  
(Signature of Practitioner)

Richard S. Wesorick  
Reg. No. 40,871

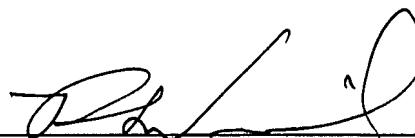
Tarolli, Sundheim, Covell  
& Tummino L.L.P.  
526 Superior Avenue, Suite 1111  
Cleveland, OH 44114-1400

Tel. No.: (216) 621-2234

Customer No.: 26,294

**CERTIFICATE OF SERVICE**

I hereby certify that I have forwarded a copy of the foregoing **SUBMISSION OF POWER OF ATTORNEY** via FedEx to Raymond J. Lillie of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, 6 Becker Farm Road, Roseland, New Jersey 07068-1739, Counsel for the Junior Party Osiris Therapeutics, Inc., this 22 day of January, 2004.

A handwritten signature in black ink, appearing to read 'R. Wesorick', is written over a horizontal line.

Richard S. Wesorick